

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DAIMEON MOSLEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:17-CV-924 JD
)	
KOHL'S DEPARTMENT STORES INC.)	
d/b/a KOHL'S,)	
)	
Defendant.)	

ORDER

The parties notified the Court on February 13, 2018, that they reached an agreement in principal to settle this case. [DE 12] Plaintiff subsequently filed a Notice of Voluntary Dismissal with Prejudice on March 14, 2018 [DE 14], relying on Fed. R. Civ. P. 41(a)(1)(A)(i). To date, Defendant has filed neither an answer to the complaint, nor a motion for summary judgment, and so the Court hereby **DISMISSES** this matter, with prejudice.¹

SO ORDERED.

ENTERED: March 16, 2018

/s/ JON E. DEGUILIO
Judge
United States District Court

¹ Defendant filed a Motion to Dismiss Plaintiff's complaint for lack of jurisdiction [DE 4], but that motion does not rely on external documents such that it would necessarily be converted into a one for summary judgment, which would preclude Plaintiff's voluntary dismissal under Rule 41(a)(1)(A)(i). *See Madsen v. Park City*, 6 F. Supp. 2d 938, 943 (N.D. Ill. 1998) (A motion to dismiss is not considered to be an answer or summary judgment motion that precludes application of Rule 41(a)(1)(A)(i) unless it relies on outside documents such that it is actually a summary judgment motion.).